

Distribution of Materials

The board recognizes that students, employees, parents or citizens may want to distribute noncurricular materials within the school district. Because of the compulsory nature of education and the mandatory participation requirements that students face as part of the educational system, school district personnel should exercise caution in determining the type of outside materials presented to students. Noncurricular materials to be distributed must be approved by the superintendent or designee and must meet certain standards prior to their distribution.

It shall be the responsibility of the superintendent, in conjunction with the building principals, to draft administrative guidelines regarding this policy.

Adopted: November 14, 2005
Revised: September 17, 2007
Reviewed: October 7, 2013

ADMINISTRATIVE GUIDELINES FOR DISTRIBUTION OF MATERIALS

Standards for Content

Materials may not be distributed which

- (a) are obscene to minors;
- (b) are libelous;
- (c) contain indecent, vulgar, profane or lewd language;
- (d) advertise any product or service not permitted to minors by law;
- (e) constitute insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or a person's age, color, creed, disability, gender, marital status, national origin, physical attributes, race, religion, sexual orientation, or socioeconomic status);
- (f) present a clear and present likelihood that, either because of its content or the manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, the commission of unlawful acts or the violation of lawful school regulations.

Definitions

“Noncurricular” is defined as not prepared by the instructional staff of the district or approved for official use within the educational program of the school.

“Obscene to minors” is defined as

- (a) The average person, applying contemporary standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
- (b) the material, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

“Minor” means any person under the age of eighteen.

“Material and substantial disruption” of a normal school activity is defined as follows:

- (a) Where the normal school activity is an educational program of the district for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.
- (b) Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods), “material and substantial disruption” is defined as student rioting, unlawful seizures of property, widespread shouting or boisterous demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecasted including past experience in the

school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the material in question.

“School activities” means any activity of students sponsored by the school and includes, by way of example but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and in-school lunch periods.

“Unofficial” written material includes all written material except school newspapers, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by the school. Examples include leaflets, brochures, flyers, petitions, placards, and underground newspapers, whether written by students or others.

“Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower him/her in the esteem of the community.

“Distribution” means circulation or dissemination of written material by means of handing out free copies, selling or offering copies for sale and accepting donations for copies. It includes use of school mail, parent “mailbags,” and displaying of written material in areas of the school which are generally frequented by students.

Distribution of Materials from Non-Profit Groups

Distribution of fliers, posters, or other printed materials to students and/or staff by groups other than the district is permitted under limited circumstances for nonprofit, youth-serving groups.

Only materials for which the superintendent can determine a reasonable connection with the school district’s educational mission will be approved for posting or distribution by school mail. Activities for which the organization charges other than a nominal participation fee (\$10 or less per student) will normally not be approved.

In order to ensure the efficient operation of normal school business, no materials will be approved for distribution to students before Labor Day. No materials will be approved for distribution to students after May 15. Organizations should make plans to provide materials for distribution according to this schedule, or should plan for alternate means of distributing their information.

Distribution of Materials from For-Profit Organizations

For-profit organizations may not use educational facilities (including school mail), school employees or students in any manner for the promotion or sale of products and services which solely benefit any for-profit organization. This includes the following activities:

- (a) distribution of pamphlets or fliers urging students, their families, or others to purchase services or products;
- (b) the sale of products and services;

- (c) posting advertising on district or school websites.

Only materials for which the superintendent can identify a clear connection with the school district's educational mission will be approved for posting or distribution by school mail. Activities for which the organization charges other than a nominal participation fee (\$10 or less per student) will normally not be approved.

Procedures for Approval and Distribution of Materials

Any organization wishing to post or distribute written material must first submit for approval a copy of the material to the superintendent's office at least two weeks (10 working days) prior to the desired distribution date. The following information must be supplied with the material copy:

- (a) Name of organization (and 501c(3) number if the organization is nonprofit);
- (b) name, address, e-mail and/or phone number of the contact person;
- (c) purpose of the printed material;
- (d) clear indication of cost (if any) for participation in announced activity;
- (e) buildings requested for distribution;
- (f) designation of desired recipients (grade level or subgroup of students, parents, teachers/staff);
- (g) date requested for distribution.

Within five working days of submission, notice of approval or denial will be communicated to the contact person, along with a count of materials needed for approved posting or distribution. Materials for distribution should be bundled in packs of 30 and then in sets of packs sufficient for the count to be distributed in each building. Each set should be labeled with the building's name and the requested distribution date. Sets of material are to be delivered to the superintendent's office. If approved, the principal and secretary of the relevant building(s) will be notified. A school principal will have discretion in determining the timing and manner of distribution of information, and may set reasonable limits to the number of approved materials distributed to students.

A form on which the required information must be submitted is available from the office of the superintendent and on the district's website.